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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,890	02/20/2004	Ashish A. Pandya	352612-991180	7628
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DLA PIPER US LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			EXAMINER NGUYEN, HANH N	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/783,890

Applicant(s)

PANDYA, ASHISH A.

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 7/20/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/20/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 26, 27, 28, 50, 51 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 26, 27, 28, 50, 51 and 62, it does not make sense to address on line 1 "A distributed network security system comprising a network"; then on line 2 "said network comprising distributed security systems". Further, is "at least one host processor" on line 8 referred to "at least one host processor" on line 4 ? .

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: "at least one host processor" on line 4 is followed by a premature period ".". Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting

Art Unit: 2616

ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 9, 34, 40, 45, 55, 58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16, 17, 110 of copending Applications No. 10/458,855; copending application 10/459,019; 10/459,350; 10/459,349; 10/459,297 and 10/458,844 respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matters between claims 9, 34, 40, 45, 55, 58 of the Application and claims 1, 16, 110 of the copending applications 10/458,855; 10/459,019 10/459,350; 10/459,349; 10/459,297 and 10/458,844 respectively are similar comprising a multiprocessor system, each processor has a remote direct memory access with mechanism for performing data transfer; IP packet processing; classifying Ip packet; policy processor; security processor for performing security operation; and a combination of any of foregoing. Even though the security system is not explicitly shown in the claims 16, 17 and 110 of the copending applications, but each processor in the multiprocessor system is a security processor performing security operations. Therefore, it would have been obvious to one skilled in the art the multiprocessor system of the copending application is a security system having security processors, each with a RDMA capability.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 34, 40, 45, 55 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee ( US pat. 7,047,561 B1) in view of Zaumen et al.( US pat. 7,234,003 B2).

Regarding claims 9, 34, 40, 45, 55 and 58, Lee teaches a security network system (see figures 1, firewall 100 restricts access to/from IP network 110 against one or more security policies) comprising one or more network systems of one or more types ( see fig.1, external IP network 120 and Internal Ip network 110). The firewall 100 comprises packet filter 106 ( hardware processor) that examine packets at layer-3; layer-4 ( providing multiple layer security; see col.4, lines 15-45); and pass the data payload to application layer ( providing transport layer protocol processing, col.4, lines 55-60). The packet filter 106 ( hardware processor) follows predetermined security rules that specify which types of packets are allowed to pass and which types of packets are blocked ( see col.4, lines 40-55; analyzing network traffic for rule matching; classifying packets and take actions). Lee does not disclose a hardware processor providing a remote direct memory access capability.

Since applicant describes the claimed remote direct memory access as transferring data between two systems over a network ( see Remark, page 25), Therefore, Zaumen et al. discloses a Remote direct memory access is used to provide data transfer 310 on data stream 312 between data device 106 ( fig.1) and data terminal 110 ( see fig.1) via network 108 ( fig.1) ( see fig.3;

RDMA is initiated to obtain data from data device 106 to data terminal 110). See col.4, lines 25-50. Therefore, it would have been obvious to one skilled in the art to implement the RDMA teaching of transfer data into Lee's teaching in order to control the data transfer across network to ensure that authorized data is access through network.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 26, 27, 28, 31, 50, 51, 52 and 62 are rejected under 35 USC 102(e) as being anticipated by Bruton, III et al. ( US pat. 7,076,803 B2).

Regarding claims 1, 26, 27, 28, 50, 51 and 62, Bruton, III et al. disclose a distributed network security system comprising a network, said network comprising distributed security systems and one or more networked systems of one or more types (see fig.3; a computer system detecting intrusion; col.5; lines 45-50), said distributed security system each ( intrusion detection

Art Unit: 2616

system ) comprising at least one host processor (comprising a host 310; fig.3; col.5; lines 52-55 or a plurality of servers 400a, 400b, 400c in fig.4; col.7, lines 35-45); a plurality of said distributed security systems providing multiple protocol layer security (see fig.10; inbound packet is checks for intrusions at IP layer (block 1015); TCP/UDP layer (block 1040) and application layer ( block 1065). See col.16, line 60 to col.17, line 35 and comprising a hardware processor offloading or accelerating or sharply reducing overhead of transport layer protocol processing from at least one host processor of said distributed security systems ( see fig.11, host-based intrusion detection is performed by reducing overhead of intrusion detection) ( col.17, lines 35-40); said hardware processor comprising a protocol processing engine to do transport layer protocol processing; or a programmable rule processing engine to analyze network traffic for rule matching or taking actions on matched rules or a combination thereof; or a security processing engine to do encryption, decryption, authorization or authentication or a combination thereof using standard or proprietary security protocols ( see fig.5; col.10, lines 1-10; layer specific intrusion is performed over application layer 555; TCP/UDP layer 560, IP layer 565 through encryption, decryption); or a packet classification engine to classify the network traffic (see fig.14, block 1405; classifying error detected); or a packet processing engine to perform packet processing tasks ( see fig.11, block 1105, if no error detected, complete packet processing at block 1125; or if there is an error detected , perform policy active for the error at block 1110). See col.17; lines 35-60.

In claimss 2, 31 and 52, with the disclosed of Bruton III et al. that there are multiple servers 400a, 400b and 400c detecting intrusions including encryption, decryption between the

servers as shown in fig.4. Therefore, the network shown in fig.4 comprising combination of the servers 400a-400c detecting intrusions makes a storage are network.

Claims 3-8, 11-25, 27, 29, 30, 32, 33, 35-39, 41-44, 46-49, 51, 53, 54, 56, 57, 59-61 are rejected because of their dependent on independent claims 1, 2, 9, 26, 28, 31, 34, 40, 45, 50-52, 55, 58 and 62.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-62 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beukema et al. ( US pat. 7,113,995 B1);

Krause et al. (US pat. 7,171,484 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications



Art Unit: 2616

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'Hanh Nguyen', written in a cursive style.

**HANH NGUYEN  
PRIMARY EXAMINER**